

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No.: 4:19-cr-00485-1-CDP-NCC
)	
MICAH GORDON,)	
)	
Defendant.)	

**DEFENDANT’S RESPONSE IN OPPOSITION TO THE GOVERNMENT’S
THIRDMOTION FOR EXTENSION OF TIME TO FILE RESPONSE OUT OF TIME**

Comes now defendant, MICAH GORDON, through counsel, Stephen C. Williams, and for his Response in Opposition to the Government’s Third Motion for Extension of Time to Respond to Defendant’s Motion to Suppress states as follows:

1. Mr. Gordon filed his Motion to Suppress on September 6th, 2019. The initial deadline to respond was September 13th, 2019.
2. The government filed its first motion for extension of time to respond on September 10th, 2019. Defendant had no objection to the request. The motion was granted and the Government’s deadline to respond was extended until September 27th, 2019.
3. On October 2nd, 2019 – five days after the Government’s deadline to respond – the Government filed its second motion to extend the deadline to respond Defendant’s motion. In the motion, the government stated that the deadline was missed “inadvertently.” In other words, it was either not calendared, the attorney forgot or both. The defendant did not object to a second extension. Mistakes happen. We’re all human.¹ The Court granted the government’s motion and the deadline for the response

¹ Defense counsel is reluctant to object to requests for extension of time. But in this case, the line has been crossed. Apparently, the government believes that it can file its response at its leisure without regard to the Court’s deadlines or

was extended until October 16th, 2019.

4. On October 17th, 2019 – one day after the current deadline to respond – defense counsel received a telephone call from counsel for the Government. Both counsel then discussed a separate matter related to Mr. Gordon's Motion to Suppress that is the subject of a separate sealed motion defense counsel is filing concurrently with this response. After that discussion, defense counsel raised the fact with the government's counsel that the government's response was already one day overdue. In the ensuing discussion, defense counsel informed government counsel that, while he could not agree to an additional extension to the response, if the response was filed either that day or the next (making it one or two days overdue) counsel would not file an objection to the filing being slightly out of time.
5. On October 18th, 2019, the government filed its third motion for extension of time to file its response requesting until November 5th, 2019, which represents an additional extension of almost three weeks from the date the response was due. In the motion the government provided no explanation for why its response was not filed within the time set by the Court (at the government's request), or even within a couple of days thereafter. The only explanation provided was that, as of the time of the filing of the motion, counsel for the government was going to be out of district until November 5th.
6. Mr. Gordon's speedy trial rights have been stayed during the pendency of this motion. He recognizes that he, himself requested a brief extension in order to adequately prepare a motion to suppress after receiving all discovery the government was willing to provide. He has also refrained from objecting to the government's previous reasonable request for an extension as well as its request resulting from its inadvertence. But enough is

Mr. Gordon's Speedy Trial rights.

enough.

WHEREFORE, the Defendant prays that this Court DENY the Government's Third Request for Extension of Time to Respond to Defendant's Motion to Suppress.

Respectfully submitted,

/STEPHEN C. WILLIAMS
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CERTIFICATE OF SERVICE

I hereby certify that on October 21st, 2019, I electronically filed this Response in Opposition to the Government's Third Motion for Extension of Time to Respond to the Defendant's Motion to Suppress with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

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